



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,039	03/07/2001	Travis J. Parry	10007468-1	2765

7590 02/25/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
JELINEK, BRIAN J	
ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,039

Applicant(s)

PARRY, TRAVIS J.

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, and 15-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 11/12/2005 of application no. 09/802,039 filed on 3/7/2001 in which claims 1-12, and 15-31 are currently pending.

Claim Objections

The Examiner thanks the Applicant for correcting the objection to claim 19.

Arguments

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

The Examiner respectfully maintains the 103 rejection under Bowden and Johanson to claims 10, 13, 15, 22, 25 and 29.

Regarding claims 10, 13, 15, 22, 25, and 29, the Applicant asserts that Bowden does not disclose image transmission from a digital picture frame; Johanson does not disclose a wireless digital picture frame and transferring digital images; motivation to combine Bowden and Johanson; and the prior art considers digital picture frames as destination devices for receiving and displaying images. As stated before, Bowden does not disclose the digital picture frame being configured as a digital image source configured to transmit digital images. However, Johanson does disclose a digital picture frame being configured as a digital image source comprising a wireless component being

Art Unit: 2615

configured to transmit digital images. In particular, it is well known in the art to provide a PDA configured as a digital image source comprising a wireless component being configured to transmit digital picture images from a PDA to a printer. As evidence, Johanson discloses a PDA (par 16) comprises a transceiver for broadcasting and receiving radio signals to/from another electronic device, where the other electronic device is a printer that also comprises a transceiver (par 17). As is well known in the art, it is desirable for a user to be able to print a digital picture image stored in an electronic device in order to have a permanent physical copy of the image. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a printer connected to an electronic device (e.g, a digital picture frame) via any communication means well known in the art (e.g., wireless radio signal) in order to enable a user to print a digital picture image stored in an electronic device in order to have a permanent physical copy of the image.

Further still, the Applicant alleges the prior art only considers digital picture frames as destination devices for receiving and displaying images; this is contrary to what the prior art actually teaches. The prior art clearly discloses electronic photo albums comprising RF transceivers that connect to external devices including computers and printers, as demonstrated in the following Office Action.

Claim Rejections - 35 USC § 102

Art Unit: 2615

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Hornback (International Pub. No. WO 99/56463).

Regarding claim 22, Hornback discloses a wireless updateable digital picture frame (Fig. 3A) configured to function as a digital image source by selectively transmitting digital images to an external device (pg. 7, lines 19-29; Fig. 4, elements 403, 404, and 441).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6-12, and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowden, III et al. (U.S. Pat. No. 6,717,567) in view of Hornback (International Pub. No. WO 99/56463).

Regarding claim 1, Bowden discloses a digital picture frame comprising: a wireless component configured to receive, from a source, a digital image via a wireless transfer (Fig. 3, element 102); a memory, coupled to the wireless component, to store received digital image (Fig. 3, element 110); and a display device, coupled to the memory, to display the stored digital image (Fig. 3, element 104). Bowden does not disclose the digital picture frame being configured as a digital image source where the wireless component being configured to transmit one or more selected digital images stored in the memory to a device external to the digital picture frame.

However, Hornback does disclose a digital picture frame being configured as a digital image source where a wireless component being configured to transmit one or more selected digital images stored in the memory to a device external to the digital picture frame (Fig. 5, elements 521, 403, 441, 404; pg. 7, lines 19-29). One of ordinary skill in the art would have configured the digital picture frame as a digital image source where a wireless component being configured to transmit one or more selected digital images stored in the memory to a device external to the digital picture frame for the purpose of sharing images between digital picture frames (pg. 7, lines 23-24). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a digital picture frame being configured as a digital image source where a wireless component being configured to transmit one or more selected digital images stored in the memory to a device external to the digital picture frame for the purpose of sharing images between digital picture frames.

Art Unit: 2615

Regarding claim 2, Bowden discloses a controller (processor), coupled to the memory, configured to identify which of a plurality of images stored in the memory are to be displayed on the display device (col. 3, lines 50-58).

Regarding claim 6, Bowden discloses a controller (processor), coupled to the wireless component, configured to receive a new digital image request (interrupt) from a wireless device external to the digital picture frame (col. 2, lines 35-41), and to manage reception of the new digital image from the wireless device (col. 2, lines 34-35; Fig. 4; col. 3, line 59-col. 4, line 16).

Regarding claim 7, Bowden discloses a source comprises a digital camera (col. 3, lines 5-10).

Regarding claim 8, Bowden discloses a source comprises a personal digital assistant (palm computer) (col. 3, lines 5-10).

Regarding claim 9, Bowden discloses the wireless component comprises a wireless receiver (Fig. 3, element 102; col. 2, lines 31-32).

Regarding claim 10, Bowden discloses a wireless component comprises a wireless receiver (Fig. 3, element 102), but does not teach that the wireless component also comprises a wireless transmitter.

However, Hornback discloses sharing images between an electronic photo album and an external computer via a radio frequency interface, where the external computer comprises a second electronic photo album (pg. 7, lines 19-29). As a result, it is implicit that the electronic photo album comprises a wireless transmitter in order to wirelessly transmit an image to a second electronic photo album via a RF interface.

Art Unit: 2615

Regarding claim 11, Bowden discloses a controller, coupled to the memory, configured to manage storage and retrieval of a plurality of digital images in the memory (col. 2, lines 44-49; col. 3, lines 50-58).

Regarding claim 12, Bowden discloses a controller is further configured to manage storage and retrieval of the plurality of digital images by executing one or more control modules stored in memory (col. 2, lines 34-35; col. 2, lines 44-49; col. 3, lines 50-58).

Regarding claim 25, Bowden discloses a controller (processor) receives a request (interrupt) for a new digital picture (col. 2, lines 36-41); and manages reception of a new digital picture from a digital picture source via a wireless transfer (col. 2, lines 30-36). Bowden does not teach that the controller executes a plurality of stored instructions to perform the above operations from a computer readable media; and in response to a response to a request, wirelessly transmits the new digital picture to a selected destination device.

However, it is an inherent feature of a microcomputer processor, as taught by Bowden and Hornback, that any operation executed by the microcomputer processor must at some point be stored as microcomputer instructions inside of the microcomputer processor. As a result, it is inherent in the microcomputer process of Bowden and Hornback that a plurality of instructions executed by the processor are stored in a computer readable media.

Furthermore, Hornback discloses in response to a response to a request, wirelessly transmitting the new digital picture to a selected destination device

Art Unit: 2615

because a second electronic photo album selects images to download from the electronic photo album (pg. 8, line 29-pg. 9, lines 2; pg. 7, lines 19-29).

Regarding claim 26, Bowden discloses managing reception of a new digital picture from a digital camera via a wireless transfer (col. 3, lines 5-10).

Regarding claim 27, Bowden discloses a controller receives a request (interrupt) for a new digital picture from a digital camera via a wireless connection (col. 2, lines 35-41; col. 3, lines 5-10). Bowden does not explicitly teach a plurality of instructions direct the operations of the controller. However, since the controller is a microcomputer processor, it is inherent that execution of a plurality of microcomputer instructions are necessary in order to perform high level tasks, such as receiving communications requests.

Regarding claim 28, Bowden discloses a controller (processor) for wirelessly receiving digital images from a device external to a digital picture frame (col. 2, lines 30-36). Bowden does not disclose transmitting, to a device external to the digital picture frame, the new digital picture via a wireless transfer

However, Hornback does disclose transmitting, to a device external to the digital picture frame, the new digital picture via a wireless transfer (pg. 7, lines 19-29; Fig. 4, elements 403, 404, and 441; pg. 8, line 29-pg. 9, lines 2). One of ordinary skill in the art would have configured the digital picture frame as a digital image source where a wireless component being configured to transmit one or more selected digital images stored in the memory to a device external to the digital picture frame for the purpose of sharing images between digital picture frames (pg. 7, lines 23-24). As a result, it would have been obvious to one of

Art Unit: 2615

ordinary skill in the art at the time of the invention to have provided a digital picture frame being configured as a digital image source where a wireless component being configured to transmit one or more selected digital images stored in the memory to a device external to the digital picture frame for the purpose of sharing images between digital picture frames.

Neither Bowden nor Hornback explicitly teach a plurality of instructions direct the operations of the controller. However, since the controller is a microcomputer processor, it is inherent that a plurality of microcomputer instructions are necessary in order to perform high level tasks, like transmitting digital pictures wirelessly.

Regarding claim 29, Bowden discloses a digital picture frame comprising: means for displaying a digital image; and means, coupled to the means for displaying, for receiving the digital image from an external source via a wireless communication (col. 2, lines 30-41). Bowden does not disclose means for selectively transmitting the digital image, via a wireless communication, to a selected external device where the digital picture frame functions as a digital image source.

However, Hornback does disclose means for selectively transmitting the digital image, via a wireless communication, to a selected external device where the digital picture frame functions as a digital image source (Fig. 5, elements 521, 403, 441, 404; pg. 7, lines 19-29). One of ordinary skill in the art would have provided means for selectively transmitting the digital image, via a wireless communication, to a selected external device where the digital picture frame

Art Unit: 2615

functions as a digital image source for the purpose of sharing images between digital picture frames (pg. 7, lines 23-24). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided means for selectively transmitting the digital image, via a wireless communication, to a selected external device where the digital picture frame functions as a digital image source for the purpose of sharing images between digital picture frames.

Regarding claim 30, Bowden discloses the external source comprises a digital camera (col. 3, lines 5-10).

Regarding claim 31, Bowden discloses the means for receiving further comprises means for receiving a request (interrupt) for a digital image from a digital camera (col. 3, lines 59-64; col. 3, lines 5-10).

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowden, III et al. (U.S. Pat. No. 6,717,567), in view of Hornback (International Pub. No. WO 99/56463), and further in view of Johanson et al. (U.S. Pub. No. 2003/0018744).

Regarding claim 3, Bowden discloses a controller, coupled to both a wireless component and a display device (Fig. 3; col. 2, lines 34-38). Bowden does not disclose that the controller is configured to present on the display device a plurality of wireless devices that are currently within communications range of the digital picture frame.

However, Johanson discloses a communications method for an electronic device; in particular, the electronic device communicates with all nearby electronic devices in range and then displays each device for a user to select one with which to communicate (Paragraph 0015). One of ordinary skill in the art would have provided the capability to display and select other nearby wireless devices in order to allow a user to choose another device with which to communicate (e.g., a printer) (Paragraphs 0007 and 0017). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the capability to display and select other nearby wireless devices in order to allow a user to choose another device with which to communicate (e.g., a printer).

Regarding claim 4, Bowden discloses a controller (processor) is configured to allow a digital image to be received wirelessly (col. 2, lines 30-36). Bowden does not disclose selecting one of a plurality of wireless devices.

However, Johanson discloses a communications method for an electronic device; in particular, the electronic device communicates with all nearby electronic devices in range and then displays each device for a user to select one with which to communicate (Paragraph 0015). One of ordinary skill in the art would have provided the capability to display and select other nearby wireless devices in order to allow a user to choose another device with which to communicate (e.g., a scanner) (Paragraphs 0007 and 0017). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the capability to display and select other nearby wireless

Art Unit: 2615

devices in order to allow a user to choose another device with which to communicate (e.g., a scanner).

Regarding claim 5, Bowden discloses transferring pictures to a digital picture frame (col. 2, lines 30-41). Bowden does not disclose a user-actuable mechanism, coupled to the wireless component, and wherein actuation of the user-actuable mechanism initiates a transfer of a new digital image to the digital picture frame.

However, Johanson discloses a communications method wherein a user selects a second electronic device from a display on a first electronic device (Fig. 2, elements 37, 36, and 40; Paragraph 0015); in particular, the user may select a scanner, as the second device, with which to communicate wirelessly (Paragraph 0017). One of ordinary skill in the art would have provided the capability to display and select other nearby wireless devices in order to allow a user to choose another device with which to communicate (e.g., a scanner) (Paragraphs 0007 and 0017). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the capability to display and select other nearby wireless devices in order to allow a user to choose another device with which to communicate (e.g., a scanner).

Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowden, III et al. (U.S. Pat. No. 6,717,567) in view of Johanson et al. (U.S. Pub. No. 2003/0018744).

Regarding claim 15, Bowden discloses a method implemented in a digital picture frame, the method comprising: receiving a request (interrupt) for a new digital picture (col. 3, lines 59-64); receiving the new digital picture via a wireless transfer (col. 2, lines 31-32); saving the new digital picture in a memory of the digital picture frame (col. 2, lines 44-46; Fig. 4). Bowden further discloses a digital picture frame automatically transfers and displays a digital image from memory after receiving an interrupt (col. 2, lines 30-49; and col. 3, line 59-col. 4, line 10). However, Bowden does not disclose receiving a request to transfer a new digital picture from memory; and transmitting the new digital picture to an external device.

However, Johanson et al. discloses a first electronic device enables a user to request communication with an external device (e.g., a printer) by selecting the external device from a displayed list of all nearby devices on the first electronic device. One of ordinary skill in the art would have provided a first electronic device capable of receiving a user request to communicate with an external device for the purpose of communicating with a nearby printer (Paragraphs 0015, 0007, and 0017). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a first electronic device capable of receiving a user request to communicate with an external device for the purpose of communicating with a nearby printer.

Regarding claim 16, Bowden discloses receiving a new digital picture comprises receiving the new digital picture via a wireless transfer (col. 2, lines

Art Unit: 2615

31-32) from a digital image source external to the digital picture frame (col. 3, lines 5-10).

Regarding claim 17, Bowden discloses a digital image source comprises a digital camera (col. 3, lines 5-10).

Regarding claim 18, Bowden discloses displaying a new digital picture on a display of the digital picture frame (col. 4, lines 4-10).

Regarding claim 19, Bowden does not disclose displaying a plurality of wireless devices that are within a wireless communications range of a digital picture frame; and allowing a user to select one of the plurality of wireless devices from which a new digital picture is to be received.

However, Johanson discloses a communications method for an electronic device; in particular, the electronic device communicates with all nearby electronic devices in range and then displays each device for a user to select one with which to communicate (Paragraph 0015). One of ordinary skill in the art would have provided the capability to display and select other nearby wireless devices in order to allow a user to choose another device with which to communicate (e.g., a scanner) (Paragraphs 0007 and 0017). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the capability to display and select other nearby wireless devices in order to allow a user to choose another device with which to communicate (e.g., a scanner).

Art Unit: 2615

Regarding claim 20, Bowden discloses receiving a request (interrupt) comprises receiving a request for a new digital picture from a digital image source external to the digital picture frame (col. 3, lines 59-64).

Regarding claim 21, Bowden discloses a source comprises a digital camera (col. 3, lines 5-10).

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hornback (International Pub. No. WO 99/56463) in view of Khan et al. (U.S. Pat. No. 6,438,575).

Regarding claim 23, Hornback discloses image data is loaded from an external source, such as a computer or digital camera (pg. 11, lines 22-29); and communication with the external device may comprise radio frequency communication (pg. 7, lines 19-29). Furthermore, Hornback discloses that the communications interface may comprise a PCMCIA port. Although suggestive of a removable wireless component, Hornback does not specifically disclose the wireless component is removable.

However, Khan et al. teaches a wireless device capable of receiving information (col. 2, lines 17-22) comprising a removable wireless PCMCIA card (col. 12, lines 31-51). One of ordinary skill in the art would have configured the wireless component as being a removable wireless PCMCIA card for the purpose of enhancing the flexibility and functionality of the wireless device by enabling it to connect proximately or remotely via a cellular or modem interface over any combination of air-links and land-lines (col. 12, lines 31-35). As a result, it would

Art Unit: 2615

have been obvious to one of ordinary skill in the art at the time of the invention to have configured the wireless component as being a removable wireless PCMCIA card for the purpose of enhancing the flexibility and functionality of the wireless device by enabling it to connect proximately or remotely via a cellular or modem interface over any combination of air-links and land-lines.

Regarding claim 24, please see the 103 rejection of claim 23.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is

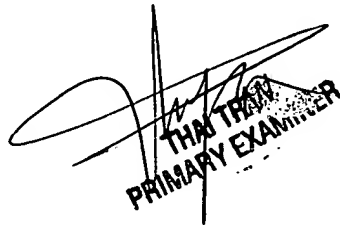
Art Unit: 2615

(703) 305-4724 until 3/2/2005, and (571)272-7366 thereafter. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, the examiner's acting supervisor, Thai Tran can be reached at (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
2/16/2005



THAI TRAN
PRIMARY EXAMINER